

WEDNESDAY, May 20, 1891.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Johnson, King, Kirk, McKinne, Myers, Rogers, Rosborough, Smith of 30th, Smith of 31st, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—26.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF BILLS.

By Mr. Baya:

Senate bill No. 227:

To be entitled an act to exempt the real and personal property of the Mechanics' Steam Fire Engine and Hose Company, of Jacksonville, from taxation and to cancel certain tax sales on the property of said company.

Mr. Baya moved that the rules be waived and that Senate bill No. 227 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 227 was read first time by its title and referred to the Committee on Finance and Taxation.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, FLA., May 19, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—I am directed by the House of Representatives to return to the Senate, by request,

Senate bill No. 135:

To be entitled an act to amend section 1 of an act entitled an act to amend an act entitled an act to abolish the corporations of the towns of Tampa and North Tampa and for other purposes therein named, approved June 5, 1889.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk of the House of Representatives.

Also the following:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, FLA., May 18, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate bill No. 33:

To be entitled an act for the relief of William H. Bingham, sheriff of Levy county, with an amendment,
And respectfully request the concurrence of the Senate thereto.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk of the House of Representative.

Mr. Coulter moved that the amendment offered by the House to Senate bill No. 33 be concurred in;

Which was agreed to and so ordered, and—

Senate bill No. 33:

To be entitled an act for the relief of William H. Bingham, sheriff in and for the county of Levy, together with House amendment was ordered enrolled.

Also the following:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, FLA., May 18, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate bill No. 26:

To be entitled an act for the relief of persons confined in insane asylums in the State of Florida, by placing the inmates of insane asylums under the protection of the laws by securing to them their postal rights.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk of the House of Representatives.

Senate bill No. 26:

To be entitled an act for the relief of persons confined in insane asylums in the State of Florida, by placing the inmates

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of insane asylums under the protection of the laws by securing to them their postal rights,
 Referred to in the message, was ordered enrolled.

REPORTS OF COMMITTEES.

Mr. Borden, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

SENATE CHAMBER, }
 TALLAHASSEE, FLA., May 20, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—The Joint Committee on Enrolled Bills, to whom was referred—

House bill No. 33:

An act to amend an act entitled an act to provide for the appointment of a board of examiners and to regulate the practice of dentistry in the State of Florida.

Beg leave to report that they have examined the same and find it correctly enrolled and would most respectfully request your signature thereto.

Very respectfully,
 W. J. BORDEN,
 Chairman of Joint Committee.

Mr. Yancey, Chairman of the Committee on Judiciary, submitted the following report:

SENATE CHAMBER, }
 TALLAHASSEE, FLA., May 20, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—Your Committee on Judiciary, to whom was referred—

Senate bill No. 203:

To be entitled an act to facilitate the giving of bonds in appeals from justice and county courts to the higher courts in the State of Florida.

Have had the same under consideration and recommend that it do pass, with the following amendment, to-wit: Insert after the title the enacting clause as follows: Be it enacted by the Legislature of the State of Florida.

Very respectfully,
 D. H. YANCEY,
 Chairman of Committee.

Also the following:

SENATE CHAMBER, }
 TALLAHASSEE, FLA., May 20, 1891. }

HON. J. BROWNE,

President of the Senate:

SIR—Your Committee on Judiciary, to whom was referred—
 Senate bill No. 167:

To be entitled an act to prohibit all persons who are members of organizations or associations, or otherwise, from stopping, or endeavoring to stop, or causing to be stopped by any word, order, sign or other device, the laborers or employees of any shipping company, or other business company of any kind whatsoever, while employed in the discharge of their duties as such laborers or employees.

Have had the same under consideration, and recommend that it do not pass.

Very respectfully,
 D. H. YANCEY,
 Chairman of Committee.

CONSIDERATION OF BILLS ON SECOND READING.

Senate bill No. 91:

To be entitled an act to amend sections 3, 4 and 5 of an act prescribing the mode of procedure for the exercise of the powers of eminent domain by cities and towns, approved May 28, 1889.

Was read the second time in full, together with the amendment offered by the Committee on Judiciary.

Mr. Wall moved that the amendment of the committee be adopted;

Which was agreed to and the amendment to the bill was adopted, and the bill with the amendment was ordered engrossed for its third reading.

Mr. Yancey asked and was granted unanimous consent to call up Senate bill No. 173, so—

Senate bill No. 173:

A bill to be entitled an act to require railroad companies to publish lists containing a description of all stock killed by engineers or cars of said companies, and providing penalties therefor.

Was called up out of its order and read the second time in full, together with the amendments offered by the Committee on Railroads and Telegraphs, previously adopted.

Mr. Yancey offered the following amendment:

Add the following:

Section 2. That it shall be unlawful for any railroad company, or any of its employees, to bury any stock, injured or killed by its trains, sooner than three days after such injuring or killing. Any railroad company, or any employee of any of such companies, violating the provisions of this section shall be deemed guilty of a misdemeanor, and be fined not exceeding one hundred dollars.

Mr. McKinne moved that the amendment be adopted;

Which was agreed to and the amendment to the bill was adopted.

Mr. McKinne offered the following amendment:

Strike out 2 and insert 3 in lieu thereof.

Mr. McKinne moved that the amendment be adopted;

Which was agreed to and the amendment was adopted, and the bill, with the amendment was ordered engrossed for its third reading.

On motion of Mr. Wall, the courtesy of the Senate was extended to Captain W. D. Vinzant of Jacksonville, during his stay in the city.

SPECIAL ORDERS OF THE DAY.

The hour having arrived for the special consideration of—
Senate bill No. 214:

To be entitled an act to provide for establishing, working, repairing and maintaining the public roads and bridges of the several counties in this State, and provide penalties for the failure thereof,

Was read the second time in full.

On motion of Mr. Myers, Senate bill No. 214 was taken up and considered by sections.

Section 1 of the bill was read.

Mr. Myers offered the following amendment to section 1:

Strike out all of section 1 (printed bill) down to the words "the county commissioners," in line 3 (printed bill); and insert after the words "commissioners," same line, the words, "of this State," and after the word "are," same line, insert the word "hereby."

Mr. Myers moved that the amendment be adopted;

Which was agreed to and the amendment was adopted.

On motion of Mr. Rogers, section 1 of the bill as amended, was adopted.

Section 2 of the bill was read.

On motion of Mr. Rogers, section 2 of the bill was adopted as read.

Section 3 of the bill was read.

On motion of Mr. Yancey, section 3 was adopted as read.

Section 4 of the bill was read.

Mr. Rogers offered the following amendment to section 4:

Amend section 4 (printed bill), line 2: Strike out word "must," insert "shall," also in line 5, strike out "must" and insert "shall."

Mr. Rogers moved that the amendment be adopted;

Which was agreed to and the amendment was adopted.

On motion of Mr. Myers, the consideration of section 4 was passed informally.

Pending consideration of the bill, the following communication was presented by Mr. Yancey:

The ladies of the Old Confederate Home Association cordially extend an invitation to the gentlemen of the Senate to attend an auction fair and festival for the benefit of the Confederate Home, Thursday night, May 21, 1891.

On motion of Mr. Hammond, the invitation was accepted.

Consideration of Senate bill No. 214 was resumed.

Section 5 of the bill was read.

Mr. Broome offered the following amendment to section 5:
In section 5, line 4, printed bill, strike out all after the word commissioner, in line 4, all of line 5, and all of line 6 to word and.

Mr. Myers moved that the amendment be adopted;
Which was agreed to and the amendment was adopted.

Mr. Myers offered the following amendment to section 5:
In section 5, printed bill, strike out all of said section down to the words "it shall be the duty," in line 2.

Mr. McKinne moved that the amendment be adopted;

Which was agreed to and the amendment was adopted.

On motion of Mr. Wolfe, section 5, as amended, was adopted.

The President announced that the hour had arrived for the special consideration of—

Senate bill No. 62:

To be entitled an act for the levy of an immigration tax, and to provide for the collection, arrangement and display of the products and resources of the State of Florida at the World's Columbian Exposition of 1893.

On motion of Mr. McKinne, the same was passed informally.

Consideration of Senate bill No. 214 was resumed.

Section 6 of the bill was read.

Mr. Kirk offered the following amendment to section 6:

In section 6, line 7, printed bill, after the word "overseer"

strike out "and for one year thereafter" and insert "and shall receive the sum of two dollars a day while actually at work on said road, provided the sum shall not exceed twenty dollars in any one year."

Mr. Kirk moved that the amendment be adopted ;

Which was not agreed to, so the amendment was lost.

On motion of Mr. Smith of 31st, section 6 as amended was adopted.

Section 7 of the bill was read.

Mr. Rogers offered the following amendment to section 7 :

Amend section 7 by adding after the last word of the section, printed bill, "provided that no person shall be required to work on the public roads beyond the limits of the road district in which he resides."

Mr. Rogers moved that the amendment be adopted ;

Which was agreed to and the amendment was adopted.

Mr. Baya offered the following amendment to section 7 :

In section 7, line 5, printed bill, after the words "work at" strike out "and the tool with which he must supply himself" and insert "and suggesting that he supply himself with some convenient tool with which to work ;"

Which was withdrawn.

Pending further consideration of the bill, a message was received from the House of Representatives.

Mr. Yancey offered the following amendment to section 7, in printed bill :

"And provided further that any person so summoned, who owns no tools, shall not be subject to the penalties provided in this act for failure to provide the tools required of him by the overseer."

Mr. Yancey moved that the amendment be adopted ;

Which was not agreed to, so the amendment was lost.

On motion of Mr. Swearingen, section 7 of the bill, as amended, was adopted.

Section 8 of the bill was read.

Mr. Myers offered the following amendment to section 8 :

In section 8, line 7, printed bill, strike out all after the word "same" and down to the words "to be" in line 8, and insert the words "and the amount so received shall be turned over by the said road overseer to the county treasurer within ten days ;"

Which was withdrawn.

Mr. Myers offered the following amendment to section 8 :

In line 7, section 8, printed bill, after the words "ten days" insert the word "and."

Mr. Myers moved that the amendment be adopted ;

Which was agreed to and the amendment was adopted.

Mr. Wolfe offered the following amendment to section 8 :

In line 6 of section 8, printed bill, strike out "one dollar" and insert "fifty cents" in lieu thereof.

Mr. Wolfe moved that the amendment be adopted ;

Which was not agreed to, so the amendment was lost.

Mr. Yancey offered the following amendment to section 8 :

Insert the word "receipts" after the word "which" in line 7 of section 8.

Mr. Yancey moved that the amendment be adopted ;

Which was agreed to, and the amendment was adopted.

Pending further consideration of Senate bill No. 214—

A committee from the House of Representatives appeared at the bar of the Senate and notified the Senate that the House was ready to receive them in joint session.

The committee thereupon retired.

The President announced that the hour of 12 M. had arrived and the Senate would now proceed to the House of Representatives' hall.

The Senate thereupon marched in a body to the hall of the House of Representatives.

TWELVE O'CLOCK M.

JOINT SESSION, May 20, 1891.

At 12 o'clock the Senate entered the hall of the House of Representatives and was received by the House.

President Browne in the chair.

The President ordered the Secretary of the Senate to call the roll of the Senate.

Upon call of the roll the following Senators answered to their names :

Mr. President, Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Hammond, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—30.

A quorum present.

By request of the President, the Speaker of the House ordered the roll of the House called.

Upon call of the roll the following members answered to their names :

Mr. Speaker, Messrs. Atkinson, Baker, Baltzell, Bates, Berry,

Bethel, Beville, Blitch of Marion, Blitch of Levy, Bogue, Brown, Burford, Carleton, Carter, Carson, Clark, Coulter, Dougherty, Dykes, Goode, Haddock, Hicks, High, Hocker, Hollinger, Hutchinson, Jenkins, Johns, Lavender, Mann of Baker, McRae, McSwain, Monroe, Morgan, Morris, Newlan, Overstreet, Parker, Peacock, Pittman, Priest, Richbourg, Robertson, Rye, Saulsbury, Shine, Sparkman, Stapler, Summerlin, Thompson, Trammell, Turnbull, Usina, Van, Whitehurst, Whitner, Wilson and Young—59.

A quorum present.

Mr. Sparkman moved that the reading of the Journals of the Senate and House in joint session, held May 19, 1891, be dispensed with.

There being no correction, the Journal was declared approved.

Mr. Clark moved that the joint session proceed to vote for a United States Senator;

Which was agreed to and so ordered.

The vote of the Senate was:

For Mr. Call—Messrs. Bryant, Calhoun, Coulter, Crosby, Smith of 30th, Swearingen, Thomas, Wadsworth and Yancey—9.

For Mr. Mays—Messrs. Borden, Brett, Drake, Farmer, Johnson, King, Kirk, Rogers and Wall—9.

For W. A. Blount—Broome, Hammond, McKinne, and Pirrong—4.

For Mr. Anderson—Messrs. Baya, Myers, Rosborough and Wilkinson—4.

For Dr. LaFar—Mr. President—1.

For C. F. A. Bielby—Mr. Smith of 31st—1.

For Stephen R. Mallory—Mr. Wolfe—1.

Upon call of roll Mr. Bristol stated that he was paired with Mr. Summers.

The vote of the House was:

For Mr. Call—Mr. Speaker, Messrs. Bates Berry, Bethel, Brown, Carson, Dykes, Goode, Haddock, Monroe, Morgan, Morris, Pittman, Priest, Rye, Saulsbury, Stapler, Summerlin, Thompson, Usina, Vann and Wilson—22.

For Mr. Mays—Messrs. Baker, Baltzell, Blitch of Marion, Burford, Coulter, Dougherty, High, Jenkins, Mann of Baker, McRae, McSwain, Richbourg, Robertson, Sparkman, Trammell, Turnbull and Young—17.

For Mr. Blount—Messrs. Atkinson, Beville, Bogue, Carleton, Carter, Clark, Hicks, Hocker, Johns and Lavender—10.

For Mr. Anderson—Messrs. Blitch of Levy, Hollinger, Newlan, Overstreet, Parker, Peacock, Shine and Whitehurst—8.

For Mr. Davis—Mr. Hutchinson—1.

Upon call of the roll Mr. Whitner stated he was paired with Mr. Canty.

The Secretary announced that the total number of votes cast for United States Senator was 87,

Of which—

Mr. Call received 31 votes.

Mr. Mays received 26 votes.

Mr. Blunt received 13 votes.

Mr. Anderson received 13 votes.

Dr. LaFar received 1 vote.

Mr. Bielby received 1 vote.

Mr. Mallory received 1 vote.

Mr. Davis received 1 vote.

The President declared there was no election.

Mr. Wolfe moved that the joint session adjourn until 12 o'clock Thursday, May 21, 1891;

Which was agreed to.

Whereupon the Senate withdrew to its chamber.

12:25 O'CLOCK.

At 12:25 P. M. the Senate resumed its session.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Calhoun, Crosby, Drake, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—24.

A quorum present.

By permission, Mr. Wall introduced—

Senate Joint Resolution No. 228:

Authorizing and instructing the Comptroller to obtain from the War Department and keep on file in his office certified copies of all muster rolls and other documents connected with the Indian war claims.

Mr. Wall moved that the rules be waived, and that Senate Joint Resolution No. 228 be read first time by its title only;

Which was agreed to by a two-thirds vote and Senate Joint Resolution No. 228 was read first time by its title only and referred to the Committee on Judiciary.

By permission, Mr. Rogers introduced—
Senate bill No. 229:

To be entitled an act for the relief of Mrs. Joanna Spratt, Chas. Boland and others.

Mr. Rogers moved that the rules be waived and that Senate bill No. 229 be read first time by its title only;

Which was agreed to by a two-thirds vote and Senate bill No. 229 was read first time by its title only and referred to the Committee on Claims.

Consideration of bill No. 214 was resumed.

Mr. Kirk offered the following amendment to section 8 of the bill.

In section 8, line 4, printed bill, after the word "duty" strike out all down to and including "thereof" in line 5.

Mr. Kirk moved that the amendment be adopted;

Which was not agreed to, so the amendment was lost.

On motion of Mr. McKinne, section 8 of the bill as amended was adopted.

Section 9 of the bill was read.

Mr. Swearingen offered the following amendment to section 9:

In section 9, line 7, printed bill, strike out "five" and insert "three" dollars.

Also same section, line 8, strike out "twenty-five" and insert "ten" dollars.

Mr. Swearingen moved that the amendment be adopted;

Which was agreed to, so the amendment was adopted.

On motion of Mr. McKinne, section 9 of the bill as amended, was adopted.

Section 10 of the bill was read.

On motion of Mr. McKinne, section 10 of the bill was adopted as read.

Mr. McKinne moved that the rules be waived and that the vote by which section 9 of Senate bill No. 214 was adopted be reconsidered;

Which was agreed to by a two-thirds vote, and the vote by which section 9 of the bill was adopted was reconsidered.

Mr. Rogers offered the following amendment to section 9:

"Provided, That in any county where a county criminal court of record shall be or is established, then the returns shall be made to, and all proceedings under the provisions of this act shall be made before the judge of the criminal court of record of said county."

Pending consideration of which—

A message was received from the House of Representatives.

Mr. Rogers moved that the amendment offered by himself to section 9 of Senate bill No. 214 be adopted;

Which was agreed to and the amendment was adopted.

On motion of Mr. McKinne section 9 of the bill, as amended, was adopted.

By call of Mr. Calhoun section 4 of the bill; which had been passed informally, was read.

Mr. Calhoun offered the following amendment to section 4:

In line 7, printed bill, after the word "established," insert "and if the road so laid out shall pass through the lands of any person or persons, who shall object to or consider themselves aggrieved by the same and the Board of County Commissioners and the person or persons aggrieved cannot agree upon a reasonable compensation, to be paid out of the county treasury, to such aggrieved person or persons by order of the Board of County Commissioners, then, and in that event, the chairman of the board shall file a petition in the circuit court of the county, addressed to the judge thereof, praying for the appointment, by such circuit judge, of a jury of twelve men, who shall be freeholders, registered voters and residents in the vicinity of said road to assess the damages that may be due to the person or persons aggrieved, whose land is sought to be taken. Such petition shall describe, as accurately as may be practicable, the property desired to be taken, and shall give the name or names of the owner or owners thereof, or of the person or persons in the possession thereof, and the purposes for which said land is to be taken. After such petition shall have been filed the course of procedure shall be the same as that set forth in sections 2, 3, 4 and 5, Chapter 3922, Laws of Florida, entitled "an act prescribing the mode of procedure for the exercise of the powers of eminent domain by cities and towns; approved May 28, 1889." And it shall be the duty of the county commissioners to order the damages so assessed to be paid out of the county treasury, if the same be a public road, together with all costs of the proceeding; but if a settlement or neighborhood road, then by the person or persons applying for the same.

Mr. Rogers offered the following amendment to the amendment:

"And all new roads laid out and established shall be run as near as may be upon section lines and the subdivisions thereof;"

Which was accepted and ordered to be included in the amendment offered by Mr. Calhoun.

Mr. Calhoun moved that the amendment offered by himself be adopted;

Which was agreed to and the amendment was adopted.

On motion of Mr. McKinne, section 4 of the bill as amended was adopted.

Section 11 of the bill was read.

Mr. Myers offered the following amendment to section 11 :

In section 11, line 3, printed bill, after the word refuse, insert the words "without legal excuse;" and after the word act, same line, strike out the words "and without a legal excuse," and insert the word "and."

Mr. Myers moved that the amendment be adopted ;

Which was agreed to and the amendment was adopted.

On motion of Mr. McKinne, section 11 as amended was adopted.

Section 12 of the bill was read.

On motion of Mr. Wolfe section 12 of the bill was adopted as read.

Section 13 of the bill was read.

Mr. Baya offered the following amendment to section 13 :

In section 13, line 3, printed bill, after the words receive such, strike out "reasonable."

Mr. Baya moved that the amendment be adopted ;

Which was agreed to, and the amendment was adopted.

On motion of Mr. Crosby section 13 of the bill as amended was adopted.

Section 14 of the bill was read.

On motion of Mr. McKinne section 14 of the bill was adopted as read.

Section 15 of the bill was read.

On motion of Mr. Myers section 15 of the bill was adopted as read.

Pending further consideration of the bill, on motion of Mr. Rogers, Senator Swearingen and himself were excused from attendance upon the Senate until next Monday morning, they having to be absent from the city on account of committee duty.

On motion of Mr. Rogers, Senate bill No. 62, which was the special order for 11 o'clock to-day, and which had been passed informally, was ordered to remain over until his return.

Consideration of Senate bill No. 214 was resumed.

Section 16 of the bill was read.

Mr. Wolfe offered the following amendment :

Strike out after the word "in" the words "and paying municipal taxes."

Mr. Wolfe moved that the amendment be adopted ;

Which was not agreed to, so the amendment was lost.

On motion of Mr. McKinne section 16 was adopted as read.

Section 17 of the bill was read.

On motion of Mr. Myers section 17 of the bill was adopted as read.

Section 18 of the bill was read.

Mr. Myers offered the following amendment to section 18 :

In section 18, lines 1 and 2 (printed bill), after the words "they have," strike out the words "laid out the roads as provided for in section 1 of this act," and insert the words "levied the tax provided for in the preceding section."

Mr. McKinne moved that the amendment be adopted ;

Which was agreed to and the amendment was adopted.

Mr. Smith of the 31st, moved the adoption of section 18 as amended ;

Which was agreed to and section 18 of the bill, as amended, was adopted.

Section 19 of the bill was read.

Mr. Borden moved that section 19 of the bill be adopted ;

Which was agreed to and section 19 was adopted as read.

Section 20 of the bill was read.

Mr. McKinne moved that section 20 of the bill be adopted ;

Which was agreed to and section 20 of the bill was adopted as read.

Section 21 of the bill was read.

Mr. Yancey offered the following in lieu of section 21 of the bill, making section 21 section 22 of said bill :

Amend by making the following section 21 :

Whenever it shall be necessary to use dirt, timber or stone in repairing or improving a public road, the road overseer is authorized to take such dirt, timber or stone as may be necessary. The overseer shall summon six disinterested freeholders to appraise said dirt, timber or stone, which shall be paid for by the county commissioners out of the road fund.

Which, on motion of Mr. Yancey, was adopted.

Section 22 of the bill was read.

On motion of Mr. Myers, section 22 of the bill was adopted as read.

Senate bill No. 214 as amended, was adopted as a whole and ordered engrossed for its third reading.

Mr. Bryant moved that the rules be waived and that Senate bill No. 207 be taken up out of its regular order and placed on its second reading ;

Which was agreed to by a two-thirds vote, so—

Senate bill No. 207 :

To be entitled an act to incorporate the Lakeland, Mohawk

and Tavares Railroad Company and to grant lands to the same,

Was taken up out of its order and read second time in full.

Mr. King offered the following amendment:

Amend by striking out "Orange" and inserting "Lake."

Mr. Bryant moved that the amendment be adopted;

Which was agreed to and the amendment was adopted, and the bill with the amendment was ordered engrossed for its third reading.

By permission, Mr. Kirk, Chairman of Committee on Engrossed Bills submitted the following report;

Which was ordered to be spread upon the Journal, without being read:

SENATE CHAMBER, }
TALLAHASSEE, FLA., May 20, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—Your Committee on Engrossed Bills, to whom was referred—

Substitute for Senate bill No. 9:

A bill to be entitled an act to prohibit the sale and disposing of cigarettes, smokettes and cigarette paper to persons under eighteen years of age.

Also,

Senate bill No. 74:

A bill to be entitled an act to require railroad corporations to construct passenger depots on their lines of road and to provide a penalty therein.

Also,

Senate bill No. 175:

A bill to be entitled an act to amend section 13 of an act entitled an act to amend an act to provide for the regulation of railroad freight and passenger tariffs in this State, to prevent unjust discrimination in the rates charged for the transportation of passengers and freights, and to prohibit railroad companies, corporations and lessees in this State from charging other than just and reasonable rates, and to punish the same; and to prescribe a mode of procedure and rules of evidence in relation thereto, and to appoint commissioners and to prescribe their powers and duties in relation to the same, approved June 7, 1887, being Chapter 3862 Laws of Florida, approved June 7, 1889, and to make the provisions of said act and the act to which it is an amendment applicable to express

companies doing business as common carriers upon the lines of railroads in this State.

Also,

Senate bill No. 181:

A bill to be entitled an act to amend sections 1 and 5 of Chapter 3746, Laws of Florida, entitled an act to provide for the regulation of railroad freight and passenger tariffs in this State, to prevent unjust discrimination in the rates charged for transportation of passengers and freights, and to prohibit railroad companies, corporations and lessees in this State from charging other than just and reasonable rates, and to punish the same and prescribe a mode of procedure and rules of evidence in relation thereto, and to appoint commissioners and prescribe their powers and duties in relation to the same.

Also,

Senate bill No. 183:

A bill to be entitled an act to require railroad companies operating railroads in the State of Florida to make arrangements and provide facilities for express companies desiring to carry on and transact business on said railroads, prescribing the powers and duties of the railroad commissioners in relation thereto, and providing penalties therefor.

Also,

Senate bill No. 198:

A bill to be entitled an act to require railroad companies operating lines of railroads in the State to erect cattle guards and crossings in certain cases,

Beg leave to report that they have examined the same and find them correctly engrossed.

Very respectfully,
BENJ. F. KIRK,
Chairman of Committee.

By permission, Mr. Myers introduced—
Senate bill No. 230:

To be entitled an act making an appropriation for the Seminary West of the Suwannee river.

Mr. Myers moved that the rules be waived and that Senate bill No. 230 be read first time by its title only;

Which was agreed to by a two-thirds vote, and Senate bill No. 230 was read first time by its title only and referred to the Committee on Appropriations.

Mr. Calhoun moved that the rules be waived and that the Senate take up Senate bill No. 170 out of its regular order;

Which was agreed to by a two-thirds vote, so—

Senate bill No. 170 :

To be entitled an act to provide for the collection of taxes assessed under and in pursuance of an act to provide for the assessment and collection of taxes on railroads and the properties thereof for the years 1879, 1880 and 1881, as to which there was no assessment, being Chapter 3558, Laws of Florida,

Was taken up out of its regular order, read second time in full and ordered engrossed for its third reading.

On motion of Mr. Wolfe, the Senate took a recess until 4 o'clock.

AFTERNOON SESSION.

4 O'CLOCK.

The Senate met pursuant to adjournment.

President Browne in the chair.

The roll was called and the following Senators answered to their names.

Mr. Present, Messrs. Baya, Borden, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Johnson, Myers, Pirrong, Rosborough, Smith of 30th, Smith of 31st, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—20.

A quorum present.

By permission, Mr. Myers, Chairman of the Committee on Enrolled Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., May 20, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—Your Committee on Enrolled Bills, to whom was referred—

Senate Joint Resolution No. 5:

Accepting the appropriation and trusts of the act of Congress entitled:

An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5th, 1861, in full satisfaction of the claims of the State of Florida therefor, and to authorize the Governor to pay claimants under said act.

Also,

Senate bill No. 13:

To be entitled an act for the relief of persons imprisoned

for the non-payment of fines and costs of court imposed by sentence of any of the courts of this State.

Also,

Senate bill No. 16:

A bill to be entitled an act to continue the rights, privileges, franchises and grants of the Suwannee and Gulf Railroad Company, and to extend the time for the completion of the same

Also,

Senate bill No. 22:

An act to authorize the sale of real estate belonging to foreign lunatics,

Beg leave to report that they have examined the same and find them correctly enrolled.

Very respectfully,

FRED T. MYERS,
Chairman of Committee.

Mr. Myers, at his own request, was excused for the afternoon to attend to committee work.

Mr. Wolfe moved that the rules be waived and that the Senate take up bills on their third reading;

Which was agreed to by a two-thirds vote, and so ordered.

Mr. Rosborough moved that one hundred copies of Senate bill No. 221 be printed;

Which was agreed to and so ordered.

Mr. Wolfe asked and was granted unanimous consent to take up Senate bill No. 129 out of its regular order, so—

Senate bill No. 129:

To be entitled an act to amend the title and section 4 of an act entitled an act to provide for the payment of a capitation or poll tax as a prerequisite for voting, and prescribing the duties of tax collectors and supervisors of registration in relation thereto, being Chapter 3850. Laws of Florida, approved May 25, 1889,

Was taken up out of its order and was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Johnson, Pirrong, Rosborough, Smith of 31st, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—16.

Nays—Messrs. Crosby and Smith of 30th—2.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Mr. Bristol asked and was granted unanimous consent to take up Senate bill No. 89 out of its regular order, so—

Senate bill No. 89:

A bill to be entitled an act to amend an act entitled an act to revoke and abolish the present municipal government of the town of DeLand, and to organize a city government for said town,

Was taken up out of its order.

Mr. Bristol asked and was granted unanimous consent to amend the bill as follows:

Section 1, Article 4, by inserting in line 4, after the word Governor, the words "and confirmed by the Senate."

So the bill was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Mr. President, Messrs. Borden, Bristol, Broome, Bryant, Calhoun, Coulter, Crosby, Johnson, Pirrong, Rosborough, Smith of 30th, Thomas, Wadsworth, Wolfe and Yancey—16.

Nays—Mr. Smith of 31st—1.

So the bill passed, title as stated.

Mr. Bristol moved that the rules be waived and that Senate bill No. 89 be certified to the House;

Which was agreed to by a two-thirds vote and so ordered.

Pending further consideration of the bill on third reading—

A message was received from the House of Representatives.

Mr. Yancey asked and was granted unanimous consent to take up Senate bill No. 74 out of its order, so—

Senate bill No. 74:

To be entitled an act to require railroad corporations to construct passenger depots on their lines of roads and to provide a penalty therein.

Was taken up out of its order on its third reading.

Mr. Yancey moved that the rules be waived and that Senate bill No. 74 be placed back on its second reading;

Which was agreed to by a two-thirds vote, and—

Senate bill No. 74:

To be entitled an act to require railroad corporations to construct passenger depots on their lines of roads and to provide a penalty therein.

Was placed back on its second reading.

Mr. Yancey offered the following amendment:

Strike out section 2.

Mr. Yancey moved that the amendment be adopted;

Which was agreed to and the amendment was adopted, and the bill as amended was recommitted to the Committee on Railroads and Telegraphs.

Mr. Browne moved that the rules be waived and that the Senate recur to consideration of bills on second reading.

Which was agreed to by a two-thirds vote and so ordered.

Mr. Browne asked and was granted unanimous consent to call up Senate bill No. 171, so—

Senate bill No. 171:

To be entitled an act to encourage the propagation of sponges in the Florida waters, and grant certain rights and privileges to Thos. A. Hine, Ralph Monroe and Jefferson B. Browne, and to punish any persons for infringing on the same,

Was taken up out of its order and read second time in full, together with the committee amendment.

Mr. Wolfe moved that the amendment of the committee be adopted;

Which was agreed to and the amendment was adopted.

Mr. Brown offered the following amendment and moved its adoption:

Amend by inserting the name of Jeremiah Fogarty between the names of Thos. A. Hine and Ralph Monroe, where they appear in the bill;

Which was agreed to and the amendment was adopted and the bill with amendments was ordered engrossed for its third reading.

Mr. Borden moved that the rules be waived and that the Senate recur to the order of bills on their third reading;

Which was agreed to by a two-thirds vote and so ordered.

Mr. Borden asked and was granted unanimous consent to take up Senate bill No. 143 out of its regular order, so—

Senate bill No. 143:

A bill to be entitled an act to amend section 1 of an act to provide for the proper enforcement of the provisions of Article 19 of the Constitution of 1885, approved June 2, 1887,

Was taken up out of its regular order and read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Johnson, Kirk, Pirrong, Rosborough, Smith of 30th, Smith of 31st, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—20.

Nays—None.

So the bill passed by a three-fifths vote, title as stated.

Mr. Borden moved that the rules be waived and that Senate bill No. 143 be certified to the House at once;

Which was agreed to by a two-thirds vote and so ordered.

Mr. Coulter asked and was granted unanimous consent to take up Senate bill No. 109 out of its regular order, so—

Senate bill No. 109:

To be entitled an act for the better prevention of riots,

mobs and tumults, and providing for checking and suppressing the same;

Was taken up out of its regular order, read third time and put upon its passage.

Upon its passage the vote was:

Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Johnson, Kirk, Pirrong, Rosborough, Smith of 30th, Smith of 31st, Thomas, Wadsworth, Wilkinson and Yancey—19.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Substitute for Senate bill No. 35:

A bill to be entitled an act to amend an act entitled an act to prescribe the fees that the several sheriffs in this State shall be allowed to charge and receive for services rendered in the performance of the duties of their offices, being Chapter 3868 of the Laws of Florida for the year 1889,

Was read third time.

Mr. Baya asked and was granted unanimous consent to amend the bill by inserting in line 14, page 8, the word "forty" in lieu of the word "thirty."

Mr. Wadsworth asked, and was granted unanimous consent, to further amend the bill by changing the figures "3868" in the title of the bill to "3860."

The bill was then put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Brett, Broome, Calhoun, Coulter, Crosby, Johnson, Pirrong, Rosborough, Smith of 30th, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—17.

Nays—Mr. Smith of 31st—1.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Mr. Rosborough asked, and was granted unanimous consent, to take up Senate bill No. 78 out of its regular order, so—

Senate bill No. 78:

To be entitled an act to prohibit trusts in the State of Florida and to provide for the punishment of persons connected with them,

Was taken up out of its order and read third time.

Mr. Coulter asked and was granted unanimous consent to amend the bill in section 2, line 4, by striking out the word "united" and inserting the word "entered;" also in section 4,

line 3, by striking out the word "constructed" and inserting the word "construed."

So the bill was then put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Calhoun, Coulter, Johnson, Pirrong, Rosborough, Smith of 30th, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—15.

Nays—Messrs. Crosby and Smith of 31st—2.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

By permission, Mr. Wolfe, Chairman of the Committee on Railroads and Telegraphs submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., May 20, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—Your Committee on Railroads and Telegraphs to whom was referred—

House bill No. 41:

To be entitled an act to confer police powers on all conductors in charge of passenger trains on the railroads in this State, beg leave to report that they have considered the same and recommend that it do pass with the following amendments:

Section 1, line 8, after the word "conduct" insert "by fighting."

In section 1 of House bill as engrossed strike out lines 15 to 18 inclusive, and after the word "train," insert "at the next regular stopping place of such train."

In section 1, line 27, after the word "removal" insert "and any person neglecting or refusing to render such assistance shall be punished as in the case of neglect or refusal to aid a constable, police officer or watchman in the execution of the duties of his office."

Very respectfully,

J. EMMET WOLFE,
Chairman of Committee.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, FLA., May 20, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—Your Committee on Railroads and Telegraphs, to whom was referred—

Senate bill No. 215:

A bill to be entitled an act to amend sections one (1) and two (2) of an act, approved June 2, 1887, entitled an act to amend sections nine (9) and ten (10) of an act entitled an act to incorporate the Florida Midland Railway Company, approved February 10, 1885,

Beg leave to report that they have examined the same and recommend that it do pass with the attached amendments.

Very respectfully,

J. EMMET WOLFE,
Chairman of Committee.

Pending further consideration of bills on their third reading—

Mr. Yancey moved that the Senate adjourn until 10 o'clock Thursday morning, May 21, 1891;

Which was not agreed to, so the Senate refused to adjourn. Consideration of bills on their third reading was resumed.

Senate bill 152:

To be entitled an act to restore Henry A. Keys, Seferino Almeyda and John Collier, of Monroe county, to their civil rights,

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Calhoun, Crosby, Johnson, Kirk, Pirrong, Rosborough, Smith of 30th, Smith of 31st, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—17.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Mr. Bristol moved that the rules be waived and that the Senate recur to consideration of bills on their second reading:

Which was not agreed to, so the motion was lost.

On motion of Mr. Bryant the Senate adjourned until 10 o'clock Thursday morning, May 21, 1891.

CONFIRMATIONS May 19.

Jeff. B. Armstrong, Jasper Musgrove, F. B. Sexton, Jr., Lockland M. Stone and John W. McAnnulty, to be County Commissioners of Calhoun county.

Sol. Benjamin, H. W. Long, L. M. Ayer, W. P. Williamson and John W. Stevens, to be County Commissioners for Marion county.

W. H. Hill, T. J. Baker, C. S. Alligood, J. W. Cogging and

J. P. Roberts, to be County Commissioners for Wakulla county.

Thomas Palmer, to be State Attorney for Sixth Judicial District.

John Burns, Pilot Commissioner for Port of Pensacola, vice Chas. B. Chandler, declined to serve.

—o—

THURSDAY, May 21, 1891.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Brett, Broome, Calhoun, Coulter, Crosby, Drake, Johnson, Kirk, McKinne, Myers, Rosborough, Smith of 30th, Smith of 31st, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—23.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

On motion of Mr. Smith of 31st, the courtesy of the Senate was extended to Mr. J. T. Llanbias, of St. Augustine.

INTRODUCTION OF BILLS.

By Mr. Wall:

Senate bill No. 231:

To be entitled an act to incorporate the Punta Rassa, Peace Creek and Alafia River Railroad Company and to grant lands to the same.

Mr. Wall moved that the rules be waived and that Senate bill No. 231 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 231 was read first time by its title and referred to the Committee on Railroads and Telegraphs.

By Mr. Wolfe:

Senate Bill No. 232:

To be entitled an act providing for the forfeiture of franchises, grants, rights, privileges, licenses and immunities in certain cases.